

## TRANSMITTAL LETTER TO THE UNITED STATES

7911-83687 GKS 102.0

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

CONCERNING A FILING UNDER 35 U.S.C. 371

10/049,988

INTERNATIONAL APPLICATION NO.

PCT/EP00/08129

INTERNATIONAL FILING DATE

08/21/2000

PRIORITY DATE CLAIMED

08/20/1999

TITLE OF INVENTION

NUCLEIC ACID MOLECULE COMPRISING A NUCLEIC ACID SEQUENCE WHICH CODES FOR A  
HAEMOCYANIN AND COMPRISING AT LEAST ONE INTRON SEQUENCE

APPLICANT(S) FOR DO/EO/US

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☐ Other items or information:

APPLICATION NO. (IF KNOWN) 37 CFR  
10/049/988

INTERNATIONAL APPLICATION NO.  
PCT/EP00/08129

ATTORNEY'S DOCKET NUMBER  
7911-83687 GKS 102.0

24. The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :**

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1040.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$890.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
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Total claims	- 20 =	0	x \$18.00
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Independent claims	- 3 =	0	x \$84.00
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Multiple Dependent Claims (check if applicable). ☐

**TOTAL OF ABOVE CALCULATIONS =**

☐ Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

**SUBTOTAL =**

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

**TOTAL NATIONAL FEE =**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☒

**TOTAL FEES ENCLOSED =**

Amount to be refunded	\$
charged	\$

- a. ☒ A check in the amount of \$170.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0920 A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

  
SIGNATURE

Shannon L. Nebolsky

NAME

41,217

REGISTRATION NUMBER

Repl. Ref: 07/14/2003 BCPMBEL 0012274200

DATE: 07/14/2003 Name/Number: 10049988

FC: 9204

\$130.00 CR

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Biosyn Arzneimittel ) PATENT  
U.S. Serial No.: 10/049,988 ) Attorney Docket  
Corresponding to PCT/EP00/08129 ) GKS 102.0  
Filed: August 21, 2000 ) (7911/86349)  
For: NUCLEIC ACID MOLECULE COMPRISING )  
A NUCLEIC ACID SEQUENCE WHICH CODES )  
FOR A HAEMOCYANIN AND COMPRISING AT )  
LEAST ONE INTRON SEQUENCE )  
Examiner: Not yet assigned )

## COMMUNICATION

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Sir:

In response to the Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office, dated May 29, 2002 (copy attached), enclosed are Declaration, Power of Attorney and Assignment documents executed by the applicants of the above-identified application.

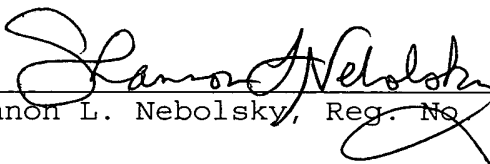
Enclosed is Check No. 075631 in the amount of \$170.00 to cover the surcharge for providing the Oath and Declaration set forth in 37 C.F.R. 1.492(e) and Assignment Recordation fee in 1.21(h).

No further fee or petition is believed to be necessary in addition to those that are enclosed. Should any fee be needed, please charge our Deposit

Serial No.: 10/049,988 -2-  
Corresponding to PCT/EP00/08129

Account No. 23-0920, and deem this paper to be the  
required petition.

Respectfully submitted,

By   
Shannon L. Nebolsky, Reg. No. 41,217

WELSH & KATZ, LTD.  
120 South Riverside Plaza, 22nd Floor  
Chicago, Illinois 60606  
Phone (312) 655-1500  
Fax No. (312) 655-1501

Enclosures  
Notice of Missing Requirements  
Executed Declaration, Power of Attorney  
Assignment and Recordation  
Check  
Postcard

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this Communication,  
in duplicate, the Notice of Missing Requirements, an  
executed Declaration and Power of Attorney, and  
surcharge are being deposited with the United States  
as Express Mail, Express Mail Mailing Label No.  
EL867963630US, in an envelope addressed to,  
Commissioner for Patents, Box PCT, Washington, D.C.  
20231, on July 16, 2002.

